

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TABERNA CAPITAL MANAGEMENT, LLC,	:	08 Civ 1817 (JSR)
	:	
Plaintiff,	:	
	:	
- against -	:	ORAL ARGUMENT REQUESTED
SIDNEY B. DUNMORE, MICHAEL A. KANE,	:	
and DHI DEVELOPMENT f/k/a DUNMORE	:	
HOMES, LLC,	:	
	:	
Defendants.	:	
	:	

NOTICE OF MOTION AND MOTION OF MICHAEL A. KANE TO (1) DISMISS FOR LACK OF PERSONAL JURISDICTION; OR IN THE ALTERNATIVE; (2) TO DISMISS OR TRANSFER FOR IMPROPER VENUE; OR IN THE ALTERNATIVE (3) TO TRANSFER FOR CONVENIENCE TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION

PLEASE TAKE NOTICE THAT on April 10, 2008, at 4:00 p.m. E.S.T., or as soon thereafter as the matter may be heard in the Courtroom of the Honorable Jed. S. Rakoff, United States District Court Judge, Southern District of New York, located at 500 Pearl Street, New York, NY 10007, Room 14-B, Defendant Michael A. Kane ("Kane") will and hereby does move this Court, pursuant to Federal Rules of Civil Procedure ("FRCP") § 12(b)(2) and 12(b)(3); 28 U.S.C. § 1406(a); and 28 U.S.C. § 1404(a) to: (1) dismiss this action against Kane for lack of personal jurisdiction; or in the alternative (2) to dismiss or transfer this action for improper venue; or in the alternative (3) to transfer this action for convenience to the United States District Court for the Eastern District of California, Sacramento Division (the "Motion").

This Motion is based on this Notice of Motion and Motion, Memorandum of Law,

Request For Judicial Notice and the Affirmation of Michael A. Kane filed and served concurrently herewith and upon the papers, records, and pleadings on file herein.

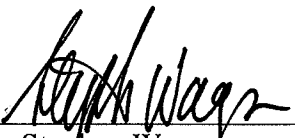
PLEASE TAKE FURTHER NOTICE, that, pursuant to the Scheduling Order issued by the Court on or about March 3, 2008, if you wish to object to the Motion, the objection shall be in writing and shall conform with the Federal Rules of Civil Procedure, Local Rules of the United States District Courts for the Southern and Eastern District of New York and Individual Rules of Practice of the Honorable Jed S. Rakoff, United States District Court Judge. Any objection to the Motion shall be filed with this Court and served on all parties by March 24, 2008.

Further, any reply to any opposition to the Motion shall be filed with this Court and served on all parties by March 31, 2008.

Kane requests oral argument on the Motion.

Dated: March 10, 2008

COHEN TAUBER SPIEVACK & WAGNER P.C.

By: 
Stephen Wagner

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